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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David H. Hanes

Confirmation No.: 3500

Application No.: 09/911,017

Examiner: Zhou, Ting

Filing Date: 07/20/2001

Group Art Unit: 2173

Title: System and Method for Scene Detection Information Storage

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 01/14/2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- | | |
|------------------|-----------|
| () one month | \$120.00 |
| () two months | \$450.00 |
| () three months | \$1020.00 |
| () four months | \$1590.00 |

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: March 14, 2005

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Number of pages: 12

Typed Name: Cindy C. Dioso

Signature: Cindy C. Dioso

Respectfully submitted,

David H. Hanes

By James L. Baudino
James L. Baudino

Attorney/Agent for Applicant(s)

Reg. No. 43,486

Date: March 14, 2005

Telephone No.: (214) 855-7544



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of: David H. Hanes
Serial No.: 09/911,017
Filing Date: July 20, 2001
Group Art Unit: 2173
Examiner: Ting Zhou
Title: System and Method for Scene Detection Information Storage

MAIL STOP: APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

APPEAL BRIEF

Applicant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 24, 2004, finally rejecting Claims 1-20. Applicant filed a Notice of Appeal on January 14, 2005. Applicant respectfully submits herewith this Appeal Brief with authorization to charge the statutory fee of \$500.00.

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Void date: 03/18/2005 MAHMED1
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03/18/2005 MAHMED1 00000056 082025 09911017
01 FC:1402 500.00 DA

REAL PARTY IN INTEREST

The present application was assigned to Hewlett-Packard Company as indicated by an assignment from the inventor recorded on January 9, 2002 in the Assignment Records of the United States Patent and Trademark Office at Reel 012456, Frame 0166. The present application was subsequently assigned to Hewlett-Packard Development Company, L.P. as indicated by an assignment from Hewlett-Packard Company recorded on September 30, 2003 in the Assignment Records of the United States Patent and Trademark Office at Reel 014061, Frame 0492.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-20 stand rejected pursuant to a Final Office Action mailed September 24, 2004. Claims 1-20 are presented for appeal.

STATUS OF AMENDMENTS

Applicant filed a Response Pursuant to 37 C.F.R. §1.116 on November 24, 2004, in response to the Final Office Action mailed September 24, 2004. The Examiner issued an Advisory Action dated December 22, 2004, maintaining the rejection of claims 1-20.

SUMMARY OF INVENTION

Independent Claim 1

Embodiments of the present invention as defined by independent Claim 1 are directed toward a method for storing scene detection information comprising identifying scene candidates from received video data, formatting the scene candidates for storage on optical storage media (300), the optical storage media (300) having a recordable capacity (330), and storing the formatted scene candidates on the optical storage media (300) in a media structure (305) without reducing the recordable capacity (330) (at least at page 3, lines 18-27, page 4, lines 6-12, page 5, lines 1-4,

page 7, lines 5-33, page 9, lines 7-13, page 10, lines 17-33, page 11, lines 1-10, and figure 3).

Independent Claim 7

Embodiments of the present invention as defined by independent Claim 7 are directed toward a system (10) for storing scene detection information comprising a processing module (30) and scene detection information storage logic (32) operatively associated with the processing module (30) and operable to receive video data, identify scene candidates from the video data, and format the scene candidates for storage on an optical storage medium (300) where the optical storage medium (300) has a recordable capacity (330). Embodiments of the present invention as defined by independent Claim 7 also comprise a media storage system (40) operable to store the formatted scene candidates on the optical storage medium (300) in a media structure (305) without reducing the recordable capacity (330). (at least at page 3, lines 18-27, page 4, lines 6-12, page 5, lines 1-4, page 7, lines 5-33, page 9, lines 7-13, page 10, lines 17-33, page 11, lines 1-10, and figure 3).

Independent Claim 14

Embodiments of the present invention as defined by independent Claim 14 are directed toward a system (10) for storing scene detection information comprising a processing module (30) and scene detection information storage logic (32) operatively associated with the processing module (30) and operable to receive video data, identify scene candidates from the video data, format the scene candidates for storage on an optical storage medium (300) where the optical storage medium (300) has a recordable capacity (330), and cause the formatted scene candidates to be stored on the optical storage medium (300) without reducing the recordable capacity (330). (at least at page 3, lines 18-27, page 4, lines 6-12, page 5, lines 1-4, page 7, lines 5-33, page 9, lines 7-13, page 10, lines 17-33, page 11, lines 1-10, and figure 3).

GROUND OF REJECTION

Claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,137,544 issued to Dimitrova et al. (hereinafter "*Dimitrova*").

ARGUMENT

A. Standard

35 U.S.C. § 102(e)

Under 35 U.S.C. § 102(e), a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claims” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

B. Argument

Claims 1-20

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Dimitrova*. Of these claims, claims 1, 7 and 14 are independent. Applicant respectfully submits that each independent claim is patentable over *Dimitrova*, and thus remaining claims 2-6, 8-13 and 15-20 which depend from the independent claims, are also patentable.

Regarding independent claims 1, 7 and 14, in the Final Office action, the Examiner refers to column 2, lines 35-67 through column 3, lines 1-44 of *Dimitrova* as purportedly disclosing “storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity [of the optical storage media]” (Final Office Action, pages 2-3). Applicant respectfully disagrees.

Dimitrova appears to be directed toward a video indexing system that analyzes contents of source video and develops a visual table of contents using selected images (*Dimitrova*, abstract, lines 1-3). For example, *Dimitrova* discloses a system for detecting when a scene of a video has changed or a static scene has occurred for creating a visual table of contents or index (*Dimitrova*, column 4, lines 39-57).

Dimitrova appears to illustrate the video indexing system thereof in the context of creating such an index for a video tape:

FIG. 1 illustrates an example of the first process (for previously recorded source tape) for a video tape. In step 101, the source video is rewound, if required, by a playback/recording device such as a VCR. In step 102, the source video is played back. Signals from the source video are received by a television, a VCR or other processing device. In step 103, a media processor in the processing device or an external processor receives the video signals and formats the video signals into frames representing pixel data (frame grabbing) . . . [and in] step 104, a host processor . . . performs significant scene detection and keyframe selection [and] builds and stores keyframes as a data structure in a memory, disk or other storage medium. In step 105, the source tape is rewound to its beginning and . . . [i]n step 107, the data structure is transferred from the memory to the source tape.

(*Dimitrova*, column 3, lines 13-33). *Dimitrova* also recites that:

The above process is slightly altered when a user wishes to create a visual index on a tape while recording. Instead of steps 101 and 102 . . . the frame grabbing process of step 103 occurs as the video (film, etc.) is being recorded.

(*Dimitrova*, column 3, lines 34-39).

Thus, *Dimitrova* recites that a “visual index may be created on a pre-existing tape (or file, DVD, disks, etc.) or while recording on a new tape” and that “[b]oth tapes require a predetermined portion at a selected area on the tape, in this example, the beginning for ease of use, to allow a visual index to be created” (*Dimitrova*, column 2, lines 36-41). Thus, Applicant respectfully submits that in the video tape examples described by *Dimitrova*, the “selected area on the tape” for the visual index of *Dimitrova* comprises at least a portion of the recordable capacity of such tape. Accordingly, Applicant respectfully submits that *Dimitrova* does not disclose or even suggest “storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity” of the optical storage media as recited by independent claim 1 (emphasis added), nor has the Examiner identified any such disclosure in *Dimitrova*.

In the Final Office Action, the Examiner appears to indicate that *Dimitrova* discloses that the visual index of *Dimitrova* may be stored or created on a medium such as a DVD (Final Office Action, page 3). However, Applicant respectfully submits that *Dimitrova* is silent as to how a visual index as purportedly taught by *Dimitrova* would be created or stored on such DVD “without reducing the recordable capacity” of such DVD. In the Advisory Action, the Examiner states:

[T]he optical storage media, such as the tape, DVD, etc. of *Dimitrova* is partitioned so that a selected structure, or area, on the tape, DVD, etc. is used for storing the formatted video content, represented by the visual index, instead of being used for recording information. Since the visual index is only stored in this predetermined portion, set aside for storing such information, it does not use the other portions of the tape and thus the recording capacity of the tape is not compromised.

(Advisory Action, page 2). Applicant disagrees and respectfully submits that the Examiner’s reasoning is misplaced. As described above, the visual index of *Dimitrova* is placed on a portion of the video tape (e.g., “the beginning for ease of use”), such portion presumably comprising a portion of the recordable capacity of such tape. Thus, notwithstanding that the portion of the video tape of *Dimitrova* containing the video index of *Dimitrova* is not available for other information, the portion of the video tape having such video index utilizes at least a portion of the recordable capacity of such tape. For example, the tape of *Dimitrova* has a finite recording capacity of “X.” If the user of the *Dimitrova* system does not wish to have a visual index made, then the recording capacity of the tape of *Dimitrova* is still “X.” However, if the user of the *Dimitrova* system does wish to have a visual index made, regardless of whether during recording or during review thereafter, the teaching of *Dimitrova* requires that the visual index (using storage capacity of “Y”) be recorded onto a recordable portion of the tape (e.g., “the beginning for ease of use”), thereby limiting the user to a recording capacity of “X – Y” for whatever non-index recordings the user wishes to make. In other words, *Dimitrova* effectively reduces the recordable capacity of the tape - the exact opposite of what Applicant’s claimed invention accomplishes.

Independent claim 7 recites, at least in part, “logic . . . operable to . . . identify scene candidates from the video data . . . format the scene candidates for storage on an optical storage medium, the optical storage medium having a recordable capacity” and “a media storage system operable to store the formatted scene candidates on the optical storage medium in a media structure without reducing the recordable capacity [of such optical storage medium],” and independent claim 14 recites, at least in part, “logic . . . operable to receive video data . . . identify scene candidates from the video data . . . format the scene candidates for storage on an optical storage medium, the optical storage medium having a recordable capacity . . . and cause the formatted scene candidates to be stored on the optical storage medium without reducing the recordable capacity.” Accordingly, for at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 7 and 14 are patentable over *Dimitrova*. Accordingly, Applicant respectfully submits that the rejection of claims 1, 7 and 14 was improper and that Claims 2-6, 8-13 and 15-20 which depend respectively from independent Claims 1, 7 and 14 are in condition for allowance.


CONCLUSION

Applicant has demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Commissioner is authorized to charge the statutory fee of \$500.00 to Deposit Account No. 08-2025 of Hewlett-Packard Company. Although no other fee is believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

Date: March 14, 2005


James L. Baudino
Registration No. 43,486

Correspondence To:
L. Joy Griebenow
Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400
Tel. (970) 898-3884

CLAIMS APPENDIX

1. A method for storing scene detection information, comprising:
identifying scene candidates from received video data;
formatting the scene candidates for storage on optical storage media, the optical storage media having a recordable capacity; and
storing the formatted scene candidates on the optical storage media in a media structure without reducing the recordable capacity.
2. The method of claim 1, wherein the formatting is performed utilizing one of the group consisting of Video Object Format (VOB) and Universal Disc Format (UDF).
3. The method of claim 1, further comprising receiving video data from one of the group consisting of a video camera, video recorder, and a digital data stream.
4. The method of claim 1, wherein the media structure comprises disc control blocks on the optical storage media.
5. The method of claim 1, further comprising indexing the scene candidates after storing the scene candidates.
6. The method of claim 1, wherein formatting includes indexing the scene candidates into a menu system.
7. A system for storing scene detection information, comprising:
a processing module;
scene detection information storage logic operatively associated with the processing module and operable to receive video data;
identify scene candidates from the video data; and
format the scene candidates for storage on an optical storage medium, the optical storage medium having a recordable capacity; and

a media storage system operable to store the formatted scene candidates on the optical storage medium in a media structure without reducing the recordable capacity.

8. The system of claim 7, wherein the scene candidates are formatted utilizing one of the group consisting of Video Object Format (VOB) and Universal Disc Format (UDF).

9. The system of claim 7, wherein the video data is received from one of the group consisting of a video camera, video recorder, and a digital data stream.

10. The system of claim 7, wherein the media structure comprises disc control blocks on the optical storage medium.

11. The system of claim 7, further comprising indexing the scene candidates after storing the scene candidates.

12. The system of claim 7 wherein the formatting includes indexing the scene candidates into a menu system.

13. The system of claim 7 wherein the logic is implemented using software residing on a computer-readable medium.

14. A system for storing scene detection information, comprising:
a processing module; and
scene detection information storage logic operatively associated with the processing module and operable to receive video data;
identify scene candidates from the video data;
format the scene candidates for storage on an optical storage medium, the optical storage medium having a recordable capacity; and
cause the formatted scene candidates to be stored on the optical storage medium without reducing the recordable capacity.

15. The system of claim 14, wherein the scene candidates are formatted utilizing one of the group consisting of Video Object Format (VOB) and Universal Disc Format (UDF).

16. The system of claim 14, wherein the video data is received from one of the group consisting of a video camera, video recorder, and a digital data stream.

17. The system of claim 14, wherein the formatting includes indexing the scene candidates into a menu system.

18. The system of claim 14, wherein storing is performed using disc control blocks on the optical storage medium.

19. The system of claim 14, wherein the logic is implemented using software residing on a computer-readable medium.

20. The system of claim 14, wherein the logic is further operable to generate a list of scene candidates.